

# ***Town Board Minutes***

October 20, 2003

Meeting No. 36

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20<sup>th</sup> day of October at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RICHARD ZARBO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
CHRISTINE FUSCO, ASSESSOR  
CAPTAIN RICCARDO ZUPPELLI  
SUZANNE BLANK, CLERK TYPIST

## **PERSONS ADDRESSING TOWN BOARD:**

**Pijacki, Kathy**, 112 Maple Drive, spoke to the Town Board on the following matters:

- Requests a “Children At Play” sign and change speed limit sign on Maple Drive.

**Cipolla, Joseph**, 35 Hillside Drive, spoke to the Town Board on the following matter:

- Comments regarding the denial of Special Use Permit for Onyx Environmental Services Inc.

**Medick, Bill**, 62 Southpoint Drive, spoke to the Town Board on the following matter:

- Questions regarding the loading of his trailer in his driveway and the proximity to the property line.

**Davis, Jeff**, 218 Calumet Street, spoke to the Town Board on the following matter:

- Inquired about the project proposed for Community Development Block Grant funding.

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Questions about Onyx Special Use Permit.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Joseph Brainard, d/b/a Braico Enterprises for a Special Use Permit for an automobile sales business.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Norman Bastian	5747 Genesee Street	Opponent
Joseph Brainard, the petitioner	15 Regency Court	Proponent
Gary Howell	48 Park Blvd	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:39 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

October 20, 2003

**PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:**

At 8:40 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Onyx Environmental Services, LLC for a Special Use Permit.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Joseph Cipolla, the petitioner	35 Hillside Pkwy	Proponent
Jeff Stahl, Onyx representative		Proponent
Robert Capadonna, Onyx representative		Proponent
Jeff Davis	218 Calumet Street	Questions
Kathy Pijacki	112 Maple Drive	Questions
Don Symer	610 Columbia Avenue	Questions
Lee Chowaniec	93 Northwood Drive	Questions
Joseph Brainard	15 Regency Court	Proponent
Richard Korcz	4946 William Street	Questions

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND  
SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE  
PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:21 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, denying the permit.

**October 20, 2003**

**PUBLIC HEARING SCHEDULED FOR 8:50 P.M.:**

At 9:22 P.M., the Town Board held a Public Hearing to hear all interested persons upon proposed amendments to the Vehicle & Traffic Ordinance of the Town of Lancaster, Erie County, New York on Southpoint Drive.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
	None	

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER STEMPIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:23 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

October 20, 2003

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Planning Board and the  
Town Board held October 6, 2003 and the Regular Meeting of the Town Board held October 6,  
2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board, on behalf of all the Special Districts and Special Improvement Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred, has duly prepared detailed estimates in writing of the anticipated revenues and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same, and

**WHEREAS**, the Town Board has assessed the amount of said estimates on several lots against which the expense of the Improvement was charged in proportion to the amount of benefit conferred, and

**WHEREAS**, Assessment Rolls were duly prepared according to law and said assessment rolls were duly filed in the Office of the Town Clerk.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That a Public Hearing is hereby called and shall be held on the 3<sup>rd</sup> day of November 2003, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place this Town Board will meet to consider the aforementioned Special Districts Budget for the Year 2004, and to hear all persons interested in the subject matter thereof, and concerning the same, and
2. That a Legal Notice of said Public Hearing be published in the Lancaster Bee on October 23, 2003, which Notice shall be in the form attached hereto and made a part hereof and which date of publication is not less than ten (10) nor more than twenty (20) days prior to the public hearing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003

**LEGAL NOTICE**  
**TOWN OF LANCASTER**  
**NOTICE OF PUBLIC HEARING**  
**UPON THE 2004 SPECIAL DISTRICTS BUDGET**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Lancaster, New York, has completed its estimates and assessment roll relating to Special Districts, spreading costs on a benefit basis, and has filed same with the Town Clerk for the following districts for the year 2004:

Consolidated Water District

Sanitary Sewer District Number 1 - Glendale and Parkdale

Sanitary Sewer District Number 2

Sanitary Sewer District Extension Numbers 1, 2, 3 and 4 to Sanitary Sewer District Number 2

Sanitary Sewer Lateral Districts Numbers 1 and 2, and Meadow Lea Estates, Lancaster Heights, Markey Avenue, South Broezel, Ronald Drive, Charlton Place and Botimer Place, within Sanitary Sewer District Number 2

Consolidated Lighting District Number 1

Fire Protection District

Refuse and Garbage District

and,

**FURTHER NOTICE IS GIVEN**, that a Public Hearing on such estimates and Assessment Roll will be held on November 3<sup>rd</sup>, 2003, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place the Town Board will meet to hear and consider any persons interested in the subject matter thereof.

BY ORDER OF THE: TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN, Town Clerk

October 20, 2003  
File: RBUDGETS (P5-6)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, Robert H. Giza, Budget Officer of the Town of Lancaster, on September 30, 2003, duly filed the tentative budget of said Town for the fiscal year beginning January 1, 2004, with the Town Clerk of said town.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the said tentative budget, there being no amendments thereto, is hereby approved and shall become the preliminary budget of the Town of Lancaster for the fiscal year beginning January 1, 2004, and

**BE IT FURTHER**

**RESOLVED**, that said preliminary budget shall be filed in the Office of the Town Clerk of the Town of Lancaster and be made available by her to the public for inspection during the regular business hours of the Town Clerk's Office, and

**BE IT FURTHER**

**RESOLVED**, that a Public Hearing on the Preliminary Budget of the Town of Lancaster for the year 2004, be held by this Town Board at the Town Hall, 21 Central Avenue, Lancaster, New York on the 3<sup>rd</sup> day of November 2003, at 8:45 o'clock P.M., Local Time, and

**BE IT FURTHER**

**RESOLVED**, that a Legal Notice of said Public Hearing upon the 2004 Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be published in the Lancaster Bee, on October 23, 2003 which Notice shall be in the form attached hereto and made a part hereof and which date of publication is not less than five (5) days prior to the public hearing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003



**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING  
ON THE 2004 PRELIMINARY BUDGET**

**NOTICE IS HEREBY GIVEN**, that the Preliminary Budget of the Town of Lancaster, for the fiscal year beginning January 1, 2004, has been filed in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested persons during office hours.

**FURTHER NOTICE IS GIVEN**, that the Town Board of the Town of Lancaster will meet and review said Preliminary Budget and hold a Public Hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:45 o'clock P.M., Local Time, on the 3<sup>rd</sup> day of November 2003, and at such hearing, any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following Town Officers are specified as follows:

Supervisor - as Supervisor	\$61,273.00
- as Budget Officer	\$6,684.00
Council Member	\$15,930.00
Council Member	\$15,930.00
Council Member	\$15,930.00
Council Member	\$15,930.00
Town Justice	\$34,474.00
Town Justice	\$34,474.00
Town Clerk - as Town Clerk	\$58,556.00
- as Records Management Officer	\$5,379.00
- as Registrar of Vital Statistics	\$900.00
- as Clerk to Zoning Board of Appeals	\$2,792.00
Superintendent of Highways	\$57,440.00

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN, Town Clerk

October 20, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, it is in the public interest of the Town of Lancaster to complete and file its Community Development Project Description Forms for community development funding for the year 2004 - 2005, and

**WHEREAS**, a public hearing was held by the Town Board of the Town of Lancaster on September 15, 2003 to elicit from the public comments relative to the use of 2004 - 2005 Community Development Block Grant funds.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor be and is hereby authorized and directed to execute and file the required 2004 - 2005 Community Development Project Description Application Forms for the year 2004 - 2005 for approval and execution of contract with the Erie County Community Development Block Grant Program, as follows:

- 1. Sidewalks on the South Side of William Street

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster has  
recommended to the Town Board that a particular date and time be set for the observance of  
Halloween within the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster, hereby  
declares Friday, October 31, 2003, between the hours of 6:00 P.M. and 8:30 P.M., as the official  
period during which Halloween trick or treat activities may be observed within the Town of  
Lancaster.

The question of the adoption of the following resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003

file: RPR (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT’S ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS,** a Public Hearing was held on the 20<sup>th</sup> day of October, 2003 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS,** a Notice of said Public Hearing was duly published and posted.

**NOW, THEREFORE, BE IT  
RESOLVED,** as follows:

- 1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof.
- 2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on October 20, 2003;
- 3. That a Certified Copy thereof be published in the Lancaster Bee on October 23, 2003;
- 4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk;
- 6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

**LEGAL NOTICE**  
**NOTICE OF ADOPTION**  
**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE**  
**TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

1.

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:**

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
<b>SOUTHPOINT SUBDIVISION</b>		
<b>Southpoint Drive</b>	<b>Thomas Drive</b>	<b>N.E. Corner</b>
<b>Southpoint Drive</b>	<b>Thomas Drive</b>	<b>S.W. Corner</b>

October 20, 2003

STATE OF NEW YORK

COUNTY OF ERIE

TOWN OF LANCASTER

:

:

:

ss:

THIS IS TO CERTIFY that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 20<sup>th</sup> day of October, 2003, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 20<sup>th</sup> day of October, 2003.

**Johanna M. Coleman, Town Clerk**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO MOVED  
ITS ADOPTION,               SECONDED BY COUNCIL  
MEMBER MONTOUR,                               TO WIT:

**WHEREAS**, Lovejoy Builders, 1164 Lovejoy Street, Buffalo, New York , has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Michael’s Landing Subdivision, Phase III.

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Applications Nos. 577, 578 and 579 of Lovejoy Builders, 1164 Lovejoy Street, Buffalo, New York, for the installation of:

P.I.P. No. 577 (Water Line)	Michael’s Landing, Phase III Ann Marie Drive & Joseph Drive, approximately 1,750 LF 8" pvc waterline with 2 hydrants.
P.I.P. No.578 (Storm Sewer)	Michael’s Landing Phase III - Located on Ann Marie Drive & Joseph Drive - Installation of 2 storm manholes, 11 receivers and the following L.F. of pipe: 2,950 L.F. of 6" HDPE rear yard drain pipe, 190 LF of 21" HDPE rear yard drain pipe, 130 LF of 18" HDPE rear yard drain pipe, 230 LF of 15" HDPE rear yard drain pipe, 480 LF of 12" HDPE rear yard drain pipe.
P.I.P. No.579 (Pavement & Curb)	Michael’s Landing Phase III - Ann Marie Drive & Joseph Drive 5,311 sq. yds. of Pavement with curb from station 2+95 to 10+15.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT’S ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER”;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3rd day of November 2003, at 8:30 o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before October 23, 2003, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003

File: rvtordchpt46mapkdrive1003



**LEGAL NOTICE  
PUBLIC HEARING  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 20th day of October, 2003, the said Town Board will hold a Public Hearing on the 3rd day of November, 2003, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**ARTICLE VIII - Stop Intersections; Non-Intersection Stops; Yield Intersections**

**§46-8.2      Non-intersection stops designated., is hereby amended by adding thereto the following:**

Stop signs shall be installed at specific locations on the following town roadway:

<u><b>STREET NAME</b></u>	<u><b>SIGN LOCATION</b></u>
Maple Drive	In front of House No. 24

**and**

**ARTICLE IX - Speed Regulations**

**§46-9, Maximum speed limits**

.....

E.    “A speed limit of thirty (30) miles per hour shall be posted on the following designated highways is hereby amended by adding thereto, the following:

.....

7.    Maple Drive, for all traffic running from Transit Road to Main Street  
Full opportunity to be heard will be given to any and all citizens and all parties in

interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By:    JOHANNA M. COLEMAN  
Town Clerk**

October 20, 2003

File: rvtordchpt46mapledrive1003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT’S ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS,** §1660 (18) Vehicle and Traffic Law of the State of New York  
authorizes the Town to restrict and prohibit the parking of vehicles on all roads within the Town  
except State highways, and

**WHEREAS,** the Town Board of the Town of Lancaster deems it in the public  
interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND  
TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF  
NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF  
LANCASTER”,

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Section 130 of the Town Law of the State of New  
York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46  
of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the  
Town Hall, 21 Central Avenue, Lancaster, New York, on the 3<sup>rd</sup> day of November 2003, at 8:35  
o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published  
on or before October 23, 2003, in the Lancaster Bee, the Official Newspaper, being a newspaper  
of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice  
shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003

File: rvtordchpt46noparkingseitz1003

**LEGAL NOTICE  
PUBLIC HEARING  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 20<sup>th</sup> day of October, 2003, the said Town Board will hold a Public Hearing on the 3<sup>rd</sup> day of November, 2003, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**ARTICLE X - Parking, Standing and Stopping.**

**§46-14.        Parking time limited in designated locations. is hereby amended by deleting thereto the following:**

A. . . . .

(2)        Seitz Avenue

**and adding to**

**§46-12.        Parking prohibited in designated locations. is hereby amended by adding thereto the following:**

A. . . . .

**On the south side of Seitz Avenue between Iroquois Avenue and Seneca Place.**

**and**

**ARTICLE X - Parking, Standing and Stopping.**

**§46-13.        Standing prohibited in designated locations, is hereby amended by adding thereto the following:**

A. . . . .

**On the south side of Seitz Avenue between Iroquois Avenue and Seneca Place.**

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By:    JOHANNA M. COLEMAN  
Town Clerk**

October 20, 2003  
File: rvtordchpt46noparkingseitzave1003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) of the Code of the Town of Lancaster, upon the application of **ONYX ENVIRONMENTAL SERVICES, LLC**, a DEC licensed waste transporter for a Special Use Permit on premises located at 6495 Transit Road in the Town of Lancaster, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard.

**WHEREAS**, the denial of this Special Use Permit will not deny the reasonable use of the real property to the owner thereof.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled “Commercial Motor Service District” of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby deny a Special Use Permit to **ONYX ENVIRONMENTAL SERVICES, LLC**, prospective lessee of real property situate at 6495 Transit Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO MOVED  
ITS ADOPTION, SECONDED UNANIMOUSLY BY  
THE REMAINDER OF THE TOWN BOARD, TO WIT:

**WHEREAS**, the Military Law of the State of New York, Section 314 provides that  
a local municipality can act by Local Law to waive interest on unpaid taxes for those individuals  
called to active military duty, and

**WHEREAS**, the Town Board has determined that although the Town can act to  
waive the interest on the Town portion of the County/Town bill this waiver would not affect the  
interest charge for late payment on the County portion of the bill, and

**WHEREAS**, the Town Board wants to relieve active duty military personnel from  
the interest payment charged on late payment of tax bills since there is a financial hardship when  
these individuals are on military duty, and

**WHEREAS**, the Town Board further deems it appropriate to memorialize Governor  
George Pataki to issue an executive order which would reduce the 6% interest factor to no interest  
on late payment of all property tax bills for those individuals in active military duty;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby memorializes  
Governor George Pataki to issue an executive order to reduce the 6% interest factor on unpaid taxes  
to no interest on all property tax payments received late from active military personnel given the  
financial hardship they face while on active military duty.

The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 4778 to Claim No. 5101 Inclusive

Total amount hereby authorized to be paid: \$334,614.55

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 20, 2003

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby  
reaffirmed:

**CODES:**

**(SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are  
waived for this permit.

**(CSW)** = Conditional sidewalk waiver.

**(V/L)** = Village of Lancaster

**NEW PERMITS:**

11237	Seneca Fence	20 Farmview Ct	Er. Fence	
11238	Duro-Shed Inc	46 Bentley Cir	Er. Shed	
11239	Essex Homes	4 Fox Trace	Er. Dwlg.-Sin.	
11240	Basher, Kathleen	5868 Broadway	Er. Sign-Temp	
11241	Kaiser, George	15 Bowen Ave	Er. Res. Add.	(V/L)
11242	Patio Enclosures	31 N Aurora St	Er. Res. Add.	(V/L)
11243	Iroquois Fence Inc	127 S Irwinwood Rd	Er. Fence	(V/L)
11244	Demski, John	22 Wainwright Ct	Er. Res. Add.	
11245	Schillo, Kevin	7 Primrose Ln	Er. Dwlg.-Sin.	
11246	Kowalow, Andrew	117 Seneca Pl	Er. Res. Add.	
11247	Seneca Fence	1 Briggs Pl	Er. Fence	
11248	Manley, John	135 Stony Rd	Er. Deck	
11249	Town of Lancaster IDA	3966 Walden Ave	Er. Sign-Temp	
11250	Transit-Rehm Assoc	6363 Transit Rd	Er. Comm. Alt.	
11251	Forestream Village Inc	4725 Transit Rd	Er. Sign-Temp	
11252	Zglinicki, Ronald	318 Stony Rd	Er. Shed	
11253	Bauer, Daniel	109 Hinchey Ave	Er. Shed	(V/L)
11254	Kabel, Thomas	93 Newberry Ln	Er. Shed	
11255	All Craft	5464 Genesee St	Repair Roof	
11256	Duro-Shed Inc	578 Ransom Rd	Er. Shed	
11257	Woodlee Builders	322 Enchanted Forest N	Er. Shed	
11258	City Fence Inc	10 Maple Dr	Er. Fence	
11259	Ryan Homes	9 Creekwood Dr	Er. Dwlg.-Sin.	
11260 SW	Hinsken, Perry	422 Aurora St	Er. Dwlg.-Sin.	
11261	Good Neighbor Fence	32 Iroquois Ave	Er. Fence	(V/L)
11262	White, Geoffrey	15 Hampton Ct	Er. Fence	
11263	Campisano, Leonard	29 Court St	Repl. Porch Deck	(V/L)
11264	Eldrige, Joan	23 School St	Er. Res. Alt.	(V/L)
11265	Bison Fence	2 Regency Ct	Er. Fence	
11266	E & E + 7 LLC	5071 Transit Rd	Er. Sign-Temp	
11267 SW	Regent Contracting	4845 Transit Rd	Er. Res. Apartment	

11268	SW	Regent Contracting	4845 Transit Rd	Er. Res. Apartment	
11269	SW	Kulback's Construction	4437 Walden Ave	Er. Comm. Add.	
11270		Excel Fence Inc	185 Broezel Ave	Er. Fence	
11271		Harding, Michael	60 Stony Brook Dr	Er. Fence	
11272		Lmed LLC	4893 Transit Rd	Er. Sign-Temp	
11273		Coppola, Lawrence	14 Waltham Ave	Er. Res. Add.	(V/L)
11274		Majestic Pools Inc	33 Stone Hedge Dr	Er. Fence	
11275		Majestic Pools Inc	33 Stone Hedge Dr	Er. Pool-In Grnd	
11276		Regent Contracting	4845 Transit Rd	Er. Comm. Bldg.	
11277		Regent Contracting	4845 Transit Rd	Er. Garage	
11278		Regent Contracting	4845 Transit Rd	Er. Garage	
11279		Metz, Steven	22 Lakeside Cres	Er. Res. Add.	(V/L)
11280	SW	Wilkinson, Keith	33 Maple Dr	Er. Dwlg.-Sin.	
11281		Custom Patio Rooms	84 Pheasant Run Ln	Er. Res. Alt.	
11282		Duro-Shed Inc	55 Sussex Ln	Er. Shed	
11283		Marrano/Marc Equity	42 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11284		Marrano/Marc Equity	8 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11285		Podpora, T	821 Ransom Rd	Er. Shed	
11286		American Eagle	75 Pheasant Run Ln	Er. Fireplace	
11287	SW	Essex Homes	107 Pavement Rd	Er. Dwlg.-Sin.	
11288		Lamarc Contracting	34 Old Post Rd	Er. Deck	
11289		Classic Fence	183 Pleasant View Dr	Er. Fence	
11290		Scott, Phillip	54 Second Ave	Er. Shed	(V/L)
11291	SW	Rosati Builders	1280 Ransom Rd	Er. Dwlg.-Sin.	
11292	SW	Janis, Deborah	5570 William St	Er. Dwlg.-Sin.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES



## COMMUNICATIONS & REPORTS:

- 568. NYS Dept. of Health & Environmental Facilities Corporation to Town Board -  
Transmittal regarding Drinking Water State Revolving Fund program.  
DISPOSITION = Received & Filed
- 569. Supervisor to Town Board -  
Transmittal of Budget Message for 2004 Budget Officer's Tentative Budget.  
DISPOSITION = Received & Filed
- 570. Highway Superintendent to Planning Board Chairman -  
Notice of approval from Town Highway Department regarding Pleasant Heights Project,  
Pleasantview Drive. DISPOSITION = Planning Committee
- 571. Phil & Maria Mendola to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 572. Mr. & Mrs. Kenneth F. DeMarzio to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 573. Amy Napieralski to Supervisor, Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 574. Teresa A. Switek, Eric M. Switek, Jesse P. Switek to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 575. Heather Maher to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 576. William B. Maher to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 577. Mary E. Schmelzer to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 578. Sheila J. Campbell to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 579. Helen J. Connolly to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 580. Michael C. Nolder to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 581. Keith J. Bova to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 582. Mr. & Mrs. Brian M. Tabor to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &  
Filed
- 583. Mark Stack to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received &

- 584. Mr. & Mrs. Richard Beiber to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 585. Barbara M. Rieman to NYS Governor George Pataki -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 586. Motorcade Chairpersons, Lancaster Central School District to Town Board -  
Request permission for motorcade to travel through Town on Friday evening, October 24, 2003. DISPOSITION = Police Chief
- 587. NYS Governor and Comptroller to Town Board -  
Notice of teleconference to be held October 22, 2003 regarding funding of Public Water and Sewer Projects. DISPOSITION = Received & Filed
- 588. Randy L. Reigle to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 589. Cathy M. Reigle to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 590. President, Springville FFA to Supervisor -  
Notice of dinner on November 1, 2003 benefitting FFA and 4-H. DISPOSITION = Received & Filed
- 591. Rosemary Colucci Frisina to Patrick Marrano -  
Letter expressing dissatisfaction with construction of home located at 10 Hillside Parkway. DISPOSITION = Received & Filed
- 592. Daniel Syrchler to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 593. Robert Costanzo to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 594. Gerald & Margaret Matthies to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 595. Scott Myers to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 596. Joseph & Mary Murphy to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 597. Annette M. Majchrzak to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 598. Christine M. Auria to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
- 599. Joseph J. Auria to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed

600. Association of Erie County Governments to Town Board -  
Notice of meeting to be held October 23, 2003, 6:30 P.M. in Hamburg NY.  
DISPOSITION = Received & Filed
601. Town Clerk to Town Board -  
Transmittal of monthly report for September 2003. DISPOSITION = Received & Filed
602. Jaeckle Fleischmann & Mugel, LLP to Town Board -  
Letter regarding rezone application for 4827 and 4839 Transit Road (Kohl's).  
DISPOSITION = Planning Committee
603. ABC Consulting Services to Town Clerk -  
Advisement of application for liquor license at 6529 Broadway. DISPOSITION = Town Attorney
604. Safety Steering Committee to Town Board -  
Minutes of meeting held September 17, 2003. DISPOSITION = Received & Filed
605. NYS DOT to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding Patio Home Subdivision, Bowen Road; comments noted. DISPOSITION = Planning Committee
606. NYS DOT to Town Attorney -  
Comments regarding Traffic Impact Study of Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
607. Village of Lancaster to Town Board -  
Minutes of official meeting held September 22, 2003. DISPOSITION = Received & Filed
608. Erie County Clerk to Supervisor -  
Notice of the Auto Bureau Mobile Unit at Clarence Library every Friday from 10:00 A.M. to 3:00 P.M. beginning October 24, 2003. DISPOSITION = Received & Filed
609. Duplicate
610. Emergency Management Coordinator to All Hazard Committee -  
Notice of a Hazard Analysis Workshop to be held Thursday, October 23, 2003 at 9:00 A.M. DISPOSITION = Received & Filed
611. Danielle Heinemann to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
612. Glenn Ficher to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received & Filed
613. Lancaster IDA to Town Board -  
Notice of public hearing to be held Thursday, October 30, 2003 at 4:00 P.M. regarding financial assistance to North Forest Properties #1, LLC Project. DISPOSITION = Received & Filed
614. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Town Attorney, Building Inspector -  
Transmittal of draft copy of minutes of meeting held October 15, 2003.  
DISPOSITION = Received & Filed

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE MEETING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 9:44 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk